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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,678	03/29/2004	Steven Sachs	0012	2969
43699 7590 12/09/2010 GO DADDY GROUP, INC. 14455 NORTH HAYDEN ROAD SUITE 219 SCOTTSDALE, AZ 85260				
EXAMINER				
STRODER, CARRIE A				
ART UNIT		PAPER NUMBER		
3689				
NOTIFICATION DATE		DELIVERY MODE		
12/09/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

inventions@godaddy.com

### Office Action Summary

**Application No.**

10/811,678

**Applicant(s)**

SACHS ET AL.

**Examiner**

CARRIE A. STRODER

**Art Unit**

3689

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 7-9, 13-15 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9, 13-15 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This is in response to the applicant's communication filed on 12 March 2010, wherein:

Claims 1-3, 7-9, 13-15, and 19 are currently pending; and  
claims 1, 7, 13, and 19 are currently amended.

***Response to Amendment***

1. Applicant's amendments filed 12 March 2010 have been fully considered.

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-3, 7-9, 13-15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over [www.godaddy.com](http://www.godaddy.com), 02 February 2003 (hereinafter referred to as "Go Daddy"), in view of Glogau (US 5983351).

**Referring to claim 1:**

Go Daddy teaches

A) the Facilitator's web site offering hosting services on the Internet to the Entrepreneur (page 1; "host your site"); and

B) the Facilitator's web site assisting the Entrepreneur in designing an Entrepreneur's web site by providing web site design services, wherein the Entrepreneur's web site is hosted

on a server and is associated with an IP address managed by the Domain Name System (page 1; "create your own web site").

Go Daddy discloses a system which offers web related services designed for small businesses, including web site creation, hosting, domain name filing, federal copyright protection, and more. Go Daddy does not disclose the Facilitator's web site accessing the Entrepreneur's web site to obtain a copy of a material to be copyrighted; the Facilitator's web site translating the copy of the material to be copyrighted into a format acceptable to the UNITED STATES COPYRIGHT OFFICE; and the Facilitator's web site electronically submitting the translated copy of the material to be copyrighted to the UNITED STATES COPYRIGHT OFFICE.

However, Glogau teaches a similar system that offers the service of assisting in copyrighting a web site or other work. Glogau teaches

C) the Facilitator's web site accessing the Entrepreneur's web site to obtain a copy of a material to be copyrighted (col. 3, line 40 thru col. 4, line 7 and col. 9, lines 23-26 and col. 12, lines 51-58; "The present invention may be implemented by a user's computer system, or the user's computer system in combination with any quantity of server or host systems residing on the web or in communication with the user's computer system.

The user or host systems may perform the web site processing as described above, while the user communicates with the server or host systems through the web browser or other software on the user computer system" [emphasis added] A "web site" is defined as a gateway that allows you to access someone else's computer; so, to access the internet, a web site must also be accessed. In this case, the present invention may be implemented by a computer system which is in communication with the material that is desired to be copyrighted via the internet; therefore, the computer carrying out the invention is carrying out the invention via its own website. Further, "to obtain a copy of a material to be copyrighted" is not a positive recitation of a claim limitation and therefore, receives little patentable weight);

D) the Facilitator's web site translating the copy of the material to be copyrighted into a format acceptable to the UNITED STATES COPYRIGHT OFFICE (col. 3, line 40 thru col. 4, line 7 and col. 12, lines 51-58; "computer system enhances copyright registration of Internet web site(s) by...format[ting] the 'packaged' web site...for filing" and where the Facilitator's web site inherently requires use of a computer system); and

E) the Facilitator's web site electronically submitting the translated copy of the material to be copyrighted to the UNITED

STATES COPYRIGHT OFFICE (Glogau, col. 3, line 40 thru col. 4, line 7 and col. 12, lines 51-58 and col. 13, lines 28-39; "computer system enhances copyright registration of Internet web site(s) by...format[ting] the 'packaged' web site...for filing" and "...the computer system may format the generated copyright registration forms and associated materials for printing or transfer to diskette, CD-ROM, *communication device or any other output or communication media*" and where Glogau contemplates submitting the generated copyright registration forms and associated materials to the copyright office, and, although at the time of Glogau's invention the copyright office did not accept electronic filings, Glogau clearly contemplates electronically transmitting data and it would have been obvious to a person having ordinary skill in the art at the time of the invention to transmit the data directly to the copyright office once the office began accepting electronic submissions).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the system disclosed in Go Daddy to incorporate the Facilitator's web site accessing the Entrepreneur's web site to obtain a copy of a material to be copyrighted; the Facilitator's web site translating the copy of the material to be copyrighted into a format acceptable to the UNITED STATES COPYRIGHT OFFICE;

and the Facilitator's web site electronically submitting the translated copy of the material to be copyrighted to the UNITED STATES COPYRIGHT OFFICE as taught by Glogau because this would provide a manner for facilitating copyright registration as advertised on the Go Daddy website, thus aiding the client by ensuring the client receives the benefits of copyright protection.

**Referring to claim 2:**

Go Daddy teaches the Facilitator's web site assisting the Entrepreneur in selecting an available domain name having a label and a top-level domain based on one or more words chosen by the Entrepreneur to describe the Entrepreneur's business (page 1; "get a domain name").

**Referring to claim 3:**

Go Daddy teaches the Facilitator's web site submitting the Entrepreneur's web site to one or more search engines (page 1; "traffic blazer").

**Referring to claim 7:**

Go Daddy teaches:

A) the Facilitator's web site offering domain name registration services over the Internet to the Entrepreneur (page 1; "get a domain name");

B) the Facilitator's web site offering hosting services on a server for the Entrepreneur's web site at an Internet protocol address associated with a domain name having a label and a top-level domain registered by the Entrepreneur (page 1; "host your site");

Go Daddy discloses a system which offers web related services designed for small businesses, including web site creation, hosting, domain name filing, federal copyright protection, and more. Go Daddy does not disclose the Facilitator's web site accessing the Entrepreneur's web site to obtain a copy of a material to be copyrighted; the Facilitator's web site translating the copy of the material to be copyrighted into a format acceptable to the UNITED STATES COPYRIGHT OFFICE; and the Facilitator's web site electronically submitting the translated copy of the material to be copyrighted to the UNITED STATES COPYRIGHT OFFICE.

However, Glogau teaches a similar system that offers the service of assisting in copyrighting a web site or other work. Glogau teaches

C) the Facilitator's web site accessing the Entrepreneur's web site to obtain a copy of a material to be copyrighted (col. 3, line 40 thru col. 4, line 7 and col. 9, lines 23-26 and col. 12, lines 51-58; "The present invention may be implemented by a

user's computer system, or the user's computer system in combination with any quantity of server or host systems residing on the web or in communication with the user's computer system. The user or host systems may perform the web site processing as described above, while the user communicates with the server or host systems through the web browser or other software on the user computer system" [emphasis added] A "web site" is defined as a gateway that allows you to access someone else's computer; so, to access the internet, a web site must also be accessed. In this case, the present invention may be implemented by a computer system which is in communication with the material that is desired to be copyrighted via the internet; therefore, the computer carrying out the invention is carrying out the invention via its own website. Further, "to obtain a copy of a material to be copyrighted" is not a positive recitation of a claim limitation and therefore, receives little patentable weight);

D) the Facilitator's web site translating the copy of the material to be copyrighted into a format acceptable to the UNITED STATES COPYRIGHT OFFICE (col. 3, line 40 thru col. 4, line 7 and col. 12, lines 51-58; "computer system enhances copyright registration of Internet web site(s) by...format[ting]

the 'packaged' web site...for filing" and where the Facilitator's web site inherently requires use of a computer system); and

E) the Facilitator's web site electronically submitting the translated copy of the material to be copyrighted to the UNITED STATES COPYRIGHT OFFICE (Glogau, col. 3, line 40 thru col. 4, line 7 and col. 12, lines 51-58 and col. 13, lines 28-39; "computer system enhances copyright registration of Internet web site(s) by...format[ting] the 'packaged' web site...for filing" and "...the computer system may format the generated copyright registration forms and associated materials for printing or transfer to diskette, CD-ROM, *communication device or any other output or communication media*" and where Glogau contemplates submitting the generated copyright registration forms and associated materials to the copyright office, and, although at the time of Glogau's invention the copyright office did not accept electronic filings, Glogau clearly contemplates electronically transmitting data and it would have been obvious to a person having ordinary skill in the art at the time of the invention to transmit the data directly to the copyright office once the office began accepting electronic submissions).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the system disclosed in Go Daddy to incorporate the

Facilitator's web site accessing the Entrepreneur's web site to obtain a copy of a material to be copyrighted; the Facilitator's web site translating the copy of the material to be copyrighted into a format acceptable to the UNITED STATES COPYRIGHT OFFICE; and the Facilitator's web site electronically submitting the translated copy of the material to be copyrighted to the UNITED STATES COPYRIGHT OFFICE as taught by Glogau because this would provide a manner for facilitating copyright registration as advertised on the Go Daddy website, thus aiding the client by ensuring the client receives the benefits of copyright protection.

**Referring to claim 8:**

Go Daddy teaches the Facilitator's web site assisting the Entrepreneur in selecting and registering an available domain name based on one or more words chosen by the Entrepreneur to describe the Entrepreneur's Internet business (page 1; "get a domain name").

**Referring to claim 9:**

Claim 9 is rejected on the same basis as claim 3.

**Referring to claim 13:**

Go Daddy teaches:

A) the Facilitator's web site offering domain name registration services over the Internet to the Entrepreneur (page 1; "get a domain name");

B) the Facilitator's web site assisting the Entrepreneur in designing an Entrepreneur's web site hosted on a server by providing web site design services on the Facilitator's web site (page 1; "create your own web site");

Go Daddy discloses a system which offers web related services designed for small businesses, including web site creation, hosting, domain name filing, federal copyright protection, and more. Go Daddy does not disclose the Facilitator's web site accessing the Entrepreneur's web site to obtain a copy of a material to be copyrighted; the Facilitator's

web site translating the copy of the material to be copyrighted into a format acceptable to the UNITED STATES COPYRIGHT OFFICE; and the Facilitator's web site electronically submitting the translated copy of the material to be copyrighted to the UNITED STATES COPYRIGHT OFFICE.

However, Glogau teaches a similar system that offers the service of assisting in copyrighting a web site or other work. Glogau teaches

C) the Facilitator's web site accessing the Entrepreneur's web site to obtain a copy of a material to be copyrighted (col. 3, line 40 thru col. 4, line 7 and col. 9, lines 23-26 and col. 12, lines 51-58; "The present invention may be implemented by a user's computer system, or the user's computer system in combination with any quantity of server or host systems residing on the web or in communication with the user's computer system. The user or host systems may perform the web site processing as described above, while the user communicates with the server or host systems through the web browser or other software on the user computer system" [emphasis added] A "web site" is defined as a gateway that allows you to access someone else's computer; so, to access the internet, a web site must also be accessed. In this case, the present invention may be implemented by a computer system which is in communication with the material that

is desired to be copyrighted via the internet; therefore, the computer carrying out the invention is carrying out the invention via its own website. Further, "to obtain a copy of a material to be copyrighted" is not a positive recitation of a claim limitation and therefore, receives little patentable weight);

D) the Facilitator's web site translating the copy of the material to be copyrighted into a format acceptable to the UNITED STATES COPYRIGHT OFFICE (col. 3, line 40 thru col. 4, line 7 and col. 12, lines 51-58; "computer system enhances copyright registration of Internet web site(s) by...format[ting] the 'packaged' web site...for filing" and where the Facilitator's web site inherently requires use of a computer system); and

E) the Facilitator's web site electronically submitting the translated copy of the material to be copyrighted to the UNITED STATES COPYRIGHT OFFICE (Glogau, col. 3, line 40 thru col. 4, line 7 and col. 12, lines 51-58 and col. 13, lines 28-39; "computer system enhances copyright registration of Internet web site(s) by...format[ting] the 'packaged' web site...for filing" and "...the computer system may format the generated copyright registration forms and associated materials for printing or transfer to diskette, CD-ROM, *communication device or any other output or communication media*" and where Glogau contemplates

submitting the generated copyright registration forms and associated materials to the copyright office, and, although at the time of Glogau's invention the copyright office did not accept electronic filings, Glogau clearly contemplates electronically transmitting data and it would have been obvious to a person having ordinary skill in the art at the time of the invention to transmit the data directly to the copyright office once the office began accepting electronic submissions).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the system disclosed in Go Daddy to incorporate the Facilitator's web site accessing the Entrepreneur's web site to obtain a copy of a material to be copyrighted; the Facilitator's web site translating the copy of the material to be copyrighted into a format acceptable to the UNITED STATES COPYRIGHT OFFICE; and the Facilitator's web site electronically submitting the translated copy of the material to be copyrighted to the UNITED STATES COPYRIGHT OFFICE as taught by Glogau because this would provide a manner for facilitating copyright registration as advertised on the Go Daddy website, thus aiding the client by ensuring the client receives the benefits of copyright protection.

**Referring to claim 14:**

Go Daddy teaches the Facilitator's web site assisting the Entrepreneur in selecting a domain name based on one or more words chosen by the Entrepreneur to describe the Entrepreneur's Internet business (page 1; "get a domain name").

**Referring to claim 15:**

Claim 15 is rejected on the same basis as claim 3.

**Referring to claim 19:**

Go Daddy teaches:

A) the Facilitator's web site receiving information over the Internet regarding an Entrepreneur that has accessed the Facilitator's web site (page 1; "My Account");

B) the Facilitator's web site storing the information regarding the Entrepreneur in a memory location accessible by the Facilitator's web site (page 1; "My Account");

C) the Facilitator's web site assisting the Entrepreneur in designing an Entrepreneur's web site hosted on a server by providing web site design services on the Facilitator's web site using at least some of the stored information regarding the Entrepreneur (page 1; "create your own web site"); and

Go Daddy discloses a system which offers web related services designed for small businesses, including web site creation, hosting, domain name filing, federal copyright protection, and more. Go Daddy does not disclose the

Facilitator's web site accessing the Entrepreneur's web site to obtain a copy of a material to be copyrighted; the Facilitator's web site translating the copy of the material to be copyrighted into a format acceptable to the UNITED STATES COPYRIGHT OFFICE; and the Facilitator's web site electronically submitting the translated copy of the material to be copyrighted to the UNITED STATES COPYRIGHT OFFICE.

However, Glogau teaches a similar system that offers the service of assisting in copyrighting a web site or other work. Glogau teaches

D) the Facilitator's web site accessing the Entrepreneur's web site to obtain a copy of a material to be copyrighted (col. 3, line 40 thru col. 4, line 7 and col. 9, lines 23-26 and col. 12, lines 51-58; "The present invention may be implemented by a user's computer system, or the user's computer system in combination with any quantity of server or host systems residing on the web or in communication with the user's computer system. The user or host systems may perform the web site processing as described above, while the user communicates with the server or host systems through the web browser or other software on the user computer system" [emphasis added] A "web site" is defined as a gateway that allows you to access someone else's computer; so, to access the internet, a web site must also be accessed.

In this case, the present invention may be implemented by a computer system which is in communication with the material that is desired to be copyrighted via the internet; therefore, the computer carrying out the invention is carrying out the invention via its own website. Further, "to obtain a copy of a material to be copyrighted" is not a positive recitation of a claim limitation and therefore, receives little patentable weight);

E) the Facilitator's web site translating the copy of the material to be copyrighted into a format acceptable to the UNITED STATES COPYRIGHT OFFICE (col. 3, line 40 thru col. 4, line 7 and col. 12, lines 51-58; "computer system enhances copyright registration of Internet web site(s) by...format[ting] the 'packaged' web site...for filing" and where the Facilitator's web site inherently requires use of a computer system); and

F) the Facilitator's web site electronically submitting the translated copy of the material to be copyrighted to the UNITED STATES COPYRIGHT OFFICE (Glogau, col. 3, line 40 thru col. 4, line 7 and col. 12, lines 51-58 and col. 13, lines 28-39; "computer system enhances copyright registration of Internet web site(s) by...format[ting] the 'packaged' web site...for filing" and "...the computer system may format the generated copyright registration forms and associated materials for printing or

transfer to diskette, CD-ROM, *communication device or any other output or communication media*" and where Glogau contemplates submitting the generated copyright registration forms and associated materials to the copyright office, and, although at the time of Glogau's invention the copyright office did not accept electronic filings, Glogau clearly contemplates electronically transmitting data and it would have been obvious to a person having ordinary skill in the art at the time of the invention to transmit the data directly to the copyright office once the office began accepting electronic submissions).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the system disclosed in Go Daddy to incorporate the Facilitator's web site accessing the Entrepreneur's web site to obtain a copy of a material to be copyrighted; the Facilitator's web site translating the copy of the material to be copyrighted into a format acceptable to the UNITED STATES COPYRIGHT OFFICE; and the Facilitator's web site electronically submitting the translated copy of the material to be copyrighted to the UNITED STATES COPYRIGHT OFFICE as taught by Glogau because this would provide a manner for facilitating copyright registration as advertised on the Go Daddy website, thus aiding the client by

ensuring the client receives the benefits of copyright protection.

***Response to Arguments***

Applicant's arguments filed 27 September 2010 have been fully considered as to the rejection under 35 USC 103 but they are not persuasive.

Examiner has clarified the rejection (see above).

Applicant's first argument (written in bold on page 6 of 9) is that "a computer system" does not inherently require a "Facilitator's web site." Examiner respectfully disagrees. Glogau states, in col. 12, lines 51-58, "The present invention may be implemented by a user's computer system, or the user's computer system in combination with any quantity of server or host systems residing on the web or in communication with the user's computer system. The user or host systems may perform the web site processing as described above, while the user communicates with the server or host systems through the web browser or other software on the user computer system" [emphasis added] A "web site" is defined as a gateway that allows you to access someone else's computer. For a computer to access the internet, a web site must also be accessed. In this case, the present invention may be implemented by a computer system which is in communication with the material that is desired to be

copyrighted via the internet; therefore, the computer carrying out the invention is carrying out the invention via its own website.

Applicant's second argument (written in bold on page 6 of 9) is now moot.

Applicant's third and fourth arguments are that Glogau does not teach a Facilitator's web site electronically submitting a translated copy of material to be copyrighted to the United States Copyright Office. Examiner respectfully disagrees. Examiner has explained above how Glogau teaches that a Facilitator's web site is used. Further, Glogau states, in col. 13, lines 28-39, "...the computer system may format the generated copyright registration forms and associated materials for printing or transfer to diskette, CD-ROM, *communication device or any other output or communication media.*" Glogau contemplates submitting the generated copyright registration forms and associated materials to the copyright office, and, although at the time of Glogau's invention the copyright office did not accept electronic filings, Glogau clearly contemplates electronically transmitting data and it would have been obvious to a person having ordinary skill in the art at the time of the invention to transmit the data directly to the copyright office once the office began accepting electronic submission

Applicant's fifth argument is that it would not have been obvious to combine elements not taught by the prior art. Examiner respectfully disagrees with applicant's statement that the elements are not taught by the prior art (see rejection, *supra*).

**Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARRIE A. STRODER whose telephone number is (571)270-7119. The examiner can normally be reached on Monday - Thursday 8:00 a.m. - 5:00 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Mooneyham can be reached on (571)272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CARRIE A. STRODER/  
Examiner, Art Unit 3689

/Dennis Ruhl/

Primary Examiner, Art Unit 3689